

HOUSE BILL 1700

By Ramsey

AN ACT to amend Tennessee Code Annotated, Title 4;
Title 8; Title 33; Title 63 and Title 68, relative to
injuries resulting from vapor products.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 68, Chapter 11, Part 2, is amended by
adding the following as a new section:

(a) As used in this section, "vapor product":

(1) Means any noncombustible product containing nicotine or any other
substance that employs a mechanical heating element, battery, electronic circuit,
or other mechanism, regardless of shape or size, that can be used to produce or
emit vapor;

(2) Includes any electronic cigarette, electronic cigar, electronic cigarillo,
electronic pipe, or similar product, and any vapor cartridge or other container of a
solution containing nicotine or any other substance that is intended to be used
with or in an electronic cigarette, electronic cigar, electronic cigarillo, electronic
pipe, or similar product; and

(3) Does not include any product regulated under Chapter V of the Food,
Drug, and Cosmetic Act (21 U.S.C. § 351 et seq.).

(b) Every physician or other medical professional working in a hospital who
makes a diagnosis of, or prescribes a course of treatment for, injuries resulting from the
use of a vapor product shall immediately report the case to the department on forms
supplied by the department.

(c) This section does not authorize the disclosure of any information that is prohibited pursuant to the federal Health Insurance Portability and Accountability Act of 1996 (HIPAA) (42 U.S.C. § 1320d et seq.).

(d) The department shall create a form for the purposes described in subsection (b) through the promulgation of a rule.

(e) On or before March 1, 2022, and on or before each March 1 thereafter, the department shall report the number of persons suffering injuries resulting from the use of a vapor product to the health committee of the house of representatives and the health and welfare committee of the senate. The report may be part of any other report made to those committees on or before March 1 of each year. The department shall also make the report available to the public on the department's website.

SECTION 2. The commissioner of health is authorized to promulgate rules to effectuate the purposes of this act. The rules must be promulgated in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

SECTION 3. For the purpose of promulgating rules, this act shall take effect upon becoming a law, the public welfare requiring it. For all other purposes, this act shall take effect January 1, 2021, the public welfare requiring it.